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Paper No. 4

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JUL 17 2002

In re Application of
Chang et al.
Application No. 10/039,838
Filed: November 6, 2001
Attorney Docket No. 82874.0011

OFFICE OF PETITIONS

**DECISION GRANTING
PETITION**

This is a decision on the petition filed April 17, 2002, to establish that page 21 of the specification was part of the originally filed application.

On November 6, 2001, the application was filed.

On March 26, 2002, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s)" stating that the application had been accorded a filing date of November 6, 2001, and advising applicants that page 21 of the specification appeared to have been omitted.

In response, the present petition was filed alleging that page 21 was deposited on November 6, 2001. In support, petitioner has submitted a postcard receipt which acknowledges receipt of "23 Pages Spec." on November 6, 2001.¹ Petitioner has also submitted a copy of the missing documentation- page 21 of the specification.

Upon review of the record, page 21, deposited on November 6, 2001, has not been located. However, the evidence is convincing that the application papers deposited on November 6, 2001, included page 21, and that page 21 was subsequently misplaced in the PTO.

In view of the above, the petition is **granted**. The copy of page 21 submitted with the petition will be used for examination purposes.

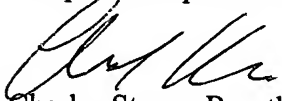
The petition fee of \$130 will be credited to petitioner's deposit account.

The Notice mailed March 26, 2002, was sent in error and is hereby vacated.

The Application is being returned to the Office of Initial Patent Examination for further processing with a filing date of November 6, 2001, using the application papers filed on November 6, 2001, and the copy of page 21 of the specification filed on April 17, 2002.

¹ Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self addressed post card properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the post card in the outgoing mail. "A post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." M.P.E.P. § 503.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.



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for Patent Examination Policy